

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 445 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

INTEGRATED PROTINS LTD.

Versus

GUJARAT MARITIME BOARD THRO' CHIEF EXECUTIVE OFFICER

Appearance:

M/S THAKKAR ASSOC. for Petitioner
MR PR NANAVATI for Respondent No. 1
MR. M./A. BHUKARI, GOVERNMENT PLEADER for Respondent No.3

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 01/04/97

ORAL JUDGEMENT

The Appeal From Order is still at the stage of admission. Learned counsels have been heard. The Appeal has been admitted and the same is being taken for final hearing with the consent of learned counsels.

The Appellant/Original Plaintiff is before me

challenging the orders passed by the learned 2nd Jt. Civil Judge (S.D.) Jamnagar, below application exhibit-5 in Special Civil Suit No. 105 of 1996. It appears that, during the pendency of the Appeal From Order before this Court, the Respondent No.3 the Chief Conservator of Forest, Jamnagar has been impleaded as the party. Learned counsel for the appellant Mr. Kavina says that, the said authority has also been impleaded as a party defendant in the suit before the Court below. Because of this, it appears that the entire question shall have to be investigated and decided, after hearing the Respondent No.3 the Chief Conservator of Forest, who also now is a party before the trial court. The Appeal From Order therefore requires to be allowed and the orders under challenge require to be set aside and the matter requires to be remanded to the Court below. I order accordingly. In the result, therefore the orders of the Court below are quashed. The matter stands transmitted to the Court below. The Court below shall decide the Application Exhibit-5 after hearing the Respondent No.3, the Chief Conservator of Forest. If per chance they are not still impleaded in the proceedings before the trial Court, they shall be impleaded.

All the questions which the parties wanted to urge before me are kept open and shall have to be decided by the Court below according to law and on merits. It would be appropriate if the Court below decides the remanded proceedings within a period of three months from the date of receipt of the writ of the present orders.

Present Appeal From Order stands disposed of with the above said orders. No order as to cost.
